

2-27-04 Image & RCE 1652

PTO/SB/30 (09-03)

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Request for Continued Examination (RCE) Transmittal

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Alexandria, VA 22313-1450

Application Number	09/974,973
Filing Date	October 12, 2001
First Named Inventor	Paul D. Hanke
Art Unit	1652
Examiner Name	E. Slobodyansky
Attorney Docket Number	031001

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application. Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

1. **Submission required under 37 CFR 1.114** Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).

- a. ☐ Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.
- i. ☐ Consider the arguments in the Appeal Brief or Rely Brief previously filed on _____
- ii. ☐ Other _____
- b. ☒ Enclosed
- i. ☒ Amendment/Reply
- iii. ☐ Information Disclosure Statement (IDS)
- ii. ☐ Affidavit(s)/ Declaration(s)
- iv. ☐ Other _____

2. Miscellaneous

- a. ☐ Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of _____ months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)
- b. ☒ Other Do not enter amendments filed on January 23, 2004

3. Fees

- The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.
- The Director is hereby authorized to charge the following fees, or credit any overpayments, to
- a. ☐ Deposit Account No. _____
- i. ☐ RCE fee required under 37 CFR 1.17(e)
- ii. ☐ Extension of time fee (37 CFR 1.136 and 1.17)
- iii. ☐ Other _____
- b. ☒ Check in the amount of \$ 770.00 enclosed
- c. ☐ Payment by credit card (Form PTO-2038 enclosed)

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name (Print/Type)	Bryan H. Opalko	Registration No. (Attorney/Agent)	40,751
Signature		Date	2-25-2004

CERTIFICATE OF MAILING OR TRANSMISSION

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Signature			

This collection of information is required by 37 CFR 1.114. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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03/03/2004 HUONG1 00000049 09974973 770.00 DP 01 FC:1801



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37 CFR 1.10 - SEPARATE PAPER

ATTORNEY'S DOCKET NO.

031001

IN RE APPLICATION OF

Paul D. Hanke

Serial No.

09/974,973

Filed

October 12, 2001

FOR

**FEEDBACK-RESISTANT PYRUVATE CARBOXYLASE GENE FROM
CORYNEBACTERIUM**

GRP. ART UNIT

1652

EXAMINER

E. Slobodyansky

"Express Mail" mailing label number

EV 256982662 US

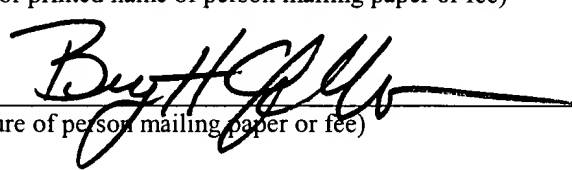
Date of deposit:

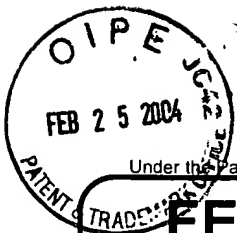
February 25, 2004

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Bryan H. Opalko

(Typed or printed name of person mailing paper or fee)


(Signature of person mailing paper or fee)



PTO/SB/17 (10-03)

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FEE TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ 770.00)

Complete if Known

Application Number	09/974,973
Filing Date	October 12, 2001
First Named Inventor	Paul D. Hanke
Examiner Name	E. Slobodyansky
Art Unit	1652
Attorney Docket No.	031001

METHOD OF PAYMENT (check all that apply)☒ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None☒ Deposit Account:Deposit Account Number: 02-4553
Deposit Account Name: Buchanan Ingersoll PC

The Director is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments☒ Charge any additional fee(s) or any underpayment of fee(s)☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.**FEE CALCULATION****1. BASIC FILING FEE**

Large Entity	Small Entity	Fee Description	Fee Paid
Fee Code (\$)	Fee Code (\$)		
1001 770	2001 385	Utility filing fee	
1002 340	2002 170	Design filing fee	
1003 530	2003 265	Plant filing fee	
1004 770	2004 385	Reissue filing fee	
1005 160	2005 80	Provisional filing fee	
SUBTOTAL (1)			(\$) 0.00

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

	Extra Claims	Fee from below	Fee Paid
Total Claims	-20** =	X	
Independent Claims	-3** =	X	
Multiple Dependent			

Large Entity	Small Entity	Fee Description
Fee Code (\$)	Fee Code (\$)	
1202 18	2202 9	Claims in excess of 20
1201 86	2201 43	Independent claims in excess of 3
1203 290	2203 145	Multiple dependent claim, if not paid
1204 86	2204 43	** Reissue independent claims over original patent
1205 18	2205 9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$) 0.00

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)**3. ADDITIONAL FEES**

Large Entity	Small Entity	Fee Description	Fee Paid
Fee Code (\$)	Fee Code (\$)		
1051 130	2051 65	Surcharge - late filing fee or oath	
1052 50	2052 25	Surcharge - late provisional filing fee or cover sheet	
1053 130	1053 130	Non-English specification	
1812 2,520	1812 2,520	For filing a request for <i>ex parte</i> reexamination	
1804 920*	1804 920*	Requesting publication of SIR prior to Examiner action	
1805 1,840*	1805 1,840*	Requesting publication of SIR after Examiner action	
1251 110	2251 55	Extension for reply within first month	
1252 420	2252 210	Extension for reply within second month	
1253 950	2253 475	Extension for reply within third month	
1254 1,480	2254 740	Extension for reply within fourth month	
1255 2,010	2255 1,005	Extension for reply within fifth month	
1401 330	2401 165	Notice of Appeal	
1402 330	2402 165	Filing a brief in support of an appeal	
1403 290	2403 145	Request for oral hearing	
1451 1,510	1451 1,510	Petition to institute a public use proceeding	
1452 110	2452 55	Petition to revive - unavoidable	
1453 1,330	2453 665	Petition to revive - unintentional	
1501 1,330	2501 665	Utility issue fee (or reissue)	
1502 480	2502 240	Design issue fee	
1503 640	2503 320	Plant issue fee	
1460 130	1460 130	Petitions to the Commissioner	
1807 50	1807 50	Processing fee under 37 CFR 1.17(q)	
1806 180	1806 180	Submission of Information Disclosure Stmt	
8021 40	8021 40	Recording each patent assignment per property (times number of properties)	
1809 770	2809 385	Filing a submission after final rejection (37 CFR 1.129(a))	
1810 770	2810 385	For each additional invention to be examined (37 CFR 1.129(b))	
1801 770	2801 385	Request for Continued Examination (RCE)	770.00
1802 900	1802 900	Request for expedited examination of a design application	

Other fee (specify)

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$ 770.00)

SUBMITTED BY

(Complete if applicable)

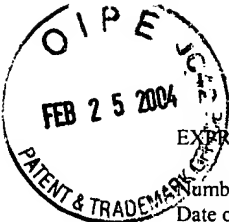
Name (Print/Type)	Bryan H. Opalko	Registration No. (Attorney/Agent)	40,751	Telephone	412-562-1893
Signature		Date	2-25-2004		

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Bachman Ingalls PC

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	:	PATENT APPLICATION
	:	
Paul D. Hanke	:	FEEDBACK-RESISTANT PYRUVATE
	:	CARBOXYLASE GENE FROM
	:	<i>CORYNEBACTERIUM</i>
Serial No.: 09/974,973	:	
	:	Group Art Unit: 1652
Filed: October 12, 2001	:	Examiner: Slobodyansky, E.

Pittsburgh, Pennsylvania 15219
February 25, 2004

Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

**AMENDMENT C AND REPLY TO FINAL OFFICE
ACTION FILED AS SUBMISSIONS UNDER 37 C.F.R. § 1.114**

Sir:

This is in response to the Final Office Action, mailed November 25, 2003 in connection with the above-identified application, having a statutory period for response set to expire on February 25, 2004. In response, Applicant is filing herewith a Request for Continued Examination Under 37 C.F.R. § 1.114.

Applicant respectfully requests that the amendments contained in the "Amendment B and Reply to Final Official Action under 37 C.F.R. § 1.116", filed on January 23, 2004 and refused entry in an Advisory Action mailed on February 11, 2004, **not** be entered for the above-identified application.

Applicant further requests that the amendments included in this Amendment C be entered.

The Examiner's objections and rejections have been carefully considered, and in view of the following remarks and amendments, reconsideration and early allowance of all pending claims is respectfully requested. Please amend this application as follows:

Amendments to the Specification begin on page 3 of this Amendment.

Amendments to the Claims are reflected in the Listing of Claims which begins on page 4 of this Amendment.

Amendments to the Drawings begin on page 8 of this Amendment and include both attached replacement sheets and annotated sheets showing changes.

Remarks/Arguments begin on page 9 of this Amendment.

An **Appendix** including amended drawing figures is attached following page 15 of this Amendment.